

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANGELICA GARCIA,

Plaintiff,

v.

FORTIS CAPITAL IV, LLC et al,

Defendants.

Case No.: 5:12-CV-06491-PSG

**ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL**

(Re: Docket No. 31)

In this arising under the Fair Debt Collection Practices Act (“FDCPA”), Plaintiff Angelica Garcia (“Plaintiff”) seeks an order compelling Defendants Fortis Capital IV, LLC (“Fortis Capital”), Curtis O. Barnes (“Barnes”), and Tafoya Doe (“Tafoya”) (collectively, “Defendants”) to produce the addresses and telephone numbers of individuals stated in initial disclosures as likely to have discoverable information, and also an order to show cause for discovery sanctions. Having carefully considered both parties’ papers, Plaintiff’s motion is DENIED.

Some brief background is in order. Plaintiff Garcia incurred a consumer obligation to a primary lender, Beneficial California Inc. (“Beneficial”).¹ This debt was sold to Defendant Fortis Capital.² Plaintiff claims that from September 10 to September 25, 2012, Defendants unlawfully

¹ See Docket No. 1 at 4.

² See Docket No. 1 at 5.

1 attempted to collect her debt and infringed her privacy rights.³ On December 21, 2012, Plaintiff
 2 filed suit seeking damages for severe emotional distress.⁴

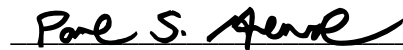
3 In its initial disclosures, Defendants identified several employees who had worked on
 4 Plaintiff's file, including Tafoya. Defendants did not provide their personal contact information,
 5 but instead stated that those individuals could be contacted for deposition or other discovery
 6 matters through Defendants' counsel. Unsatisfied, Plaintiff filed this motion to compel disclosure
 7 of the individuals' personal contact information.⁵

8 Parties may obtain discovery regarding any non-privileged matter that may be used to
 9 support their relevant claims or defenses.⁶ Rule 26(a)(1)(A)(i) requires parties, without awaiting
 10 discovery requests, to disclose to other parties "the name and, if known, the address and telephone
 11 number of each individual likely to have discoverable information."⁷

12 Defendants' counsel has represented that they will represent the individuals for their
 13 participation in this case. Because Plaintiff has not shown any other purpose or need for the
 14 requested personal information, Defendants' counsel's representation is sufficient to satisfy the
 15 requirements of Rule 26. Absent a demonstrated need, no party entitled to compel the personal
 16 information of a party that is represented by counsel.

17 IT IS SO ORDERED.

18 Dated: August 23, 2013



19 PAUL S. GREWAL
 20 United States Magistrate Judge
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24 ³ See *id.* at 5, 11.

25 ⁴ See *id.*

26 ⁵ See Docket No. 31.

27 ⁶ Fed. R. Civ. P. 26(a).

28 ⁷ *Id.* at section (a)(1)(A)(i).